rendered, *Butt v. Herndon,* 36 Kan. 370. But in *Morse v. Brownfield,* 27 Mo. 224, where a judge entered on his docket the verdict of the jury, but omitted to render judgment, the other party was allowed to appeal to the Circuit Court. And a verdict for costs merely is not final and no appeal lies therefrom. *Riddle v. Yates,* 10 Neb. 510. Nor can an appeal be taken from a judgment of a justice of the peace, rendered upon default. *Smith v. French,* 46 Conn. 239. But a judgment, dismissing the case, at the costs of the plaintiff, is a final judgment from which an appeal can be taken. *Fuerman v. Ruhle,* 16 S. W. 536 (Tex.).

MASTER AND SERVANT—RULES—DELEGATION OF DUTY TO MAKE RULES.—GASKA ET AL. V. AMERICAN CAR & FOUNDRY CO., 105 S. W. 3 (MO.).—*Held,* the duty of a master to use ordinary care in regulating his business and prescribing proper rules for its conduct is a personal non-delegable duty.

NEW TRIAL—VERDICT CONTRARY TO EVIDENCE.—SLUSHER ET AL. V. PENNINGTON, 104 S. W. 354 (KY.).—*Held,* where the jury, in disregard of the evidence, which entitled defendant to a verdict, found for the plaintiff, the court should grant a new trial on the ground that the verdict was against the evidence.

Where the verdict is not supported by the evidence, it is the duty of the trial court to award a new trial. *Lawson v. Mills,* 130 Mo. 170. And even, if the judges give the case to the jury under instructions, which permit them to find a verdict which the evidence does not sustain, the other party is entitled to a new trial, although the instructions in the abstract were correct. *Brightman v. Eddy,* 97 Mass. 478. But whenever there is any legal and competent evidence submitted to the jury by the court, and a verdict is found, the court has no legal authority to set aside and grant a new trial on the ground that the verdict of the jury was without evidence, *Warner v. Robertson,* 13 Ga. 370. And when the proof, though slight, supports the verdict and is uncontradicted, the court will not disturb it. *Chicago & N. W. Ry. Co. v. Williams,* 44 Ill. 176.

NUISANCE—PRIVATE NUISANCE—SMOKE AND ODOR—LAIRD ET AL. V. ATLANTIC COAST SANITARY CO., 67 ATLANTIC REP. 387.—*Held,* that the operation of a crematory in such a manner as to render uncomfortable for habitation, houses within a distance of 2,000 to 2,500 feet, constitutes a nuisance.

Every business should be carried on in a suitable and convenient place, and by convenient is meant, not a place which may be convenient to the party himself, but a place suitable and convenient when the interests of others are considered. *Bamford v. Turnley,* 3 Best & S. 65. The apparent divergency of decisions in this country, *McKeon v. See,* 51 N. Y. 300; *Huckenstein's Appeal,* 70 Penn. St. 102, may be attributed to local or special circumstances. *Cooley on Torts,* 709. A brewery is sometimes a nuisance. *Jones v. Williams,* 11 M. & W., 176, but a distillery is more likely to be one. *Smith v. McConathy,* 11 Mo. 517. An offensive smell need not be unwholesome to constitute a nuisance. *Davidson v. Isham,* 9 N. J. Eq. 189.

PRINCIPAL AND AGENT—LIABILITY OF UNDISCLOSED PRINCIPAL.—HILLMAN V. HULETT, 112 N. W. (MICH.) 918. A member of a lodge in Michigan affiliated with a lodge in Nevada. The chief officer of the latter lodge on the death of the member notified the Michigan lodge and a daughter thereof.